IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Bail Appl..No. 4167 of 2007()

CRIME NO.188/07 OF NALLALAM POLICE STATION.

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PETITIONR/3RD ACCUSED

AYILALATH PRAKASAN,
S/O.RARU, AGED 44 YEARS, NAGATHUMPADAM,
P.O.OLAVANNA, KOZHIKODE.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE S.H.O.,
NALLALAM POLICE STATION, KOZHIKODE DISTRICT,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4167 OF 2007

Dated this the 10th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner, who is the 3rd accused, is named in the F.I.R. Altogether, 30 persons face allegations. The crux of the allegations is that at 1 p.m. on 16/6/07 the petitioner along with the co-accused was a member of an unlawful assembly of persons who trespassed into the Office of the Panchayat Secretary and indulged in objectionable acts in the premises of the Office of the Panchayat Secretary. A crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are false and incorrect. The petitioner may be

granted anticipatory bail, he prays.

3. The learned Public Prosecutor does not oppose the application. Appropriate conditions may be imposed, it is submitted. In the facts and circumstances of this case, I am satisfied that anticipatory bail can be granted to the petitioner. No injury is suffered, submits the learned Public Prosecutor.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 17/7/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 18/7/07 and 19/7/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 17/7/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 17/7/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge